

REMARKS

With this Response, no claims are amended, added, or canceled. Therefore, claims 1-36 are pending.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 3, 4, 12, 14, 15, 22 and 30

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,175,552 of Parry et al. (hereinafter "Parry") in view of U.S. Patent No. 7,221,904 of Gavrilovich (hereinafter "Gavrilovich") and U.S. Patent No. 6,856,620 of Dunsmore et al. (hereinafter "Dunsmore"). Applicants submit that these claims are not rendered obvious by the cited references for at least the following reasons.

Of these claims, 1, 12, 22, and 30 are independent claims, and each recites features directed to **gateway network elements that terminate synchronous data transmission rings** with gateway network elements that have **different protocols** including providing a communication path for signals between the synchronous data transmission rings and network locations external to the synchronous data transmission rings, and a management element that **natively communicates with the gateway network elements in their respective protocols.**

As Applicants have understood, Parry discusses a telecommunications network configured for disaster recovery, where each element in a network ring includes a multiplexer that controls the timing of communication in the ring. Applicants note that the Office continues to rely on Parry as disclosing a switching module having gateway network elements. As a first matter, the Office Action at page 3 states that Parry shows: "a synchronous ring that incorporates a number of multiplexers (item 21) serving respective ports, and ..., a dormant master multiplexer (item 21b) is configured as a dormant master multiplexer is coupled to a disaster recovery interface point via a fibre link 26 (FIG. 2)," which the Office asserts is "substantively the same" as Applicants' claimed "first gateway network element," and Applicants' claimed "second gateway network element." Applicants disagree.

Applicants' independent claims recite first and second gateway network elements that terminate synchronous data transmission rings operating according to different protocols. Even assuming only for the sake of argument that Parry's multiplexers show gateway network elements as asserted in the Office Action, Parry fails to disclose or suggest that its multiplexers

can terminate rings operating according to different protocols in the same switching module. There is no evidence in the reference, and no technical reasoning in the Office Action to support the assertion that Parry can support rings of different protocols in a switching module.

Furthermore, the Office Action acknowledges defects in Parry, which the Office Action asserts are cured by the combination of Parry with Gavrilovich and Dunsmore. Applicants disagree for at least the following reasons.

Even assuming for the sake of argument that Gavrilovich discloses what is asserted in the Office Action, while reserving the right to traverse the Office Action's characterization of the reference, Gavrilovich in combination with Dunsmore still fails to cure the deficiencies of Parry. Dunsmore is cited as disclosing rings that operate according to different protocols. See, Office Action at pages 6-7. Dunsmore fails to disclose synchronous transmission rings that operate according to different protocols. Rather, Dunsmore discloses a synchronous transmission ring that has a network element to which a local area network (LAN) connects. Those skilled in the art understand that a LAN is not a synchronous transmission ring, nor does Dunsmore infer that the LAN should be so interpreted. Dunsmore further describes a tunneling (see, e.g., Figure 3 and accompanying discussion) of the LAN protocol across the optical ring. The fact that the LAN protocol must be tunneled across the optical ring is explicit evidence that the optical ring cannot natively communicate with the LAN.

Applicants further submit that any network management managing the optical ring would not even "see" the LAN communication in its native LAN protocol, which is inherent from the fact that the packets are tunneled. Thus, the packets will be encapsulated in a protocol native to the optical ring and its management, because its management cannot natively communicate in the protocol of the LAN. Furthermore, as Applicants have understood, there is no teaching or suggestion anywhere in Dunsmore from which to infer that the LAN is terminated at a switching module that terminates the ring. Rather, the LAN is connected to the optical ring. Thus, the entire premise of the rejection based on Dunsmore is contrary to what would be understood by those of skill in the art, and the reference is contrary to what is recited in Applicants' independent claims. The principles of operation of each of the references would need to be significantly changed to work together, in contrast to what is stated in MPEP § 2143.01 (VI).

As mentioned above, each of Applicants' independent claims recites features directed to **gateway network elements that terminate synchronous data transmission rings** with

gateway network elements that have **different protocols** including providing a communication path for signals between the synchronous data transmission rings and network locations external to the synchronous data transmission rings, and a management element that **natively communicates with the gateway network elements in their respective protocols**. Whether alone or in combination, the references fail to disclose or suggest at least one of these features from the independent claims. Thus, the cited references fail to support an obviousness rejection under MPEP § 2143 of these claims. The references therefore necessarily fail to render obvious the remaining claims, which depend directly or indirectly from the independent claims discussed above.

Claims 2, 5-11, 13, 16-21, 23-29 and 31-36

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of the primary references, Parry, Gavrilovich, and Dunsmore. More particularly, the rejections are set forth as follows:

Claims 2, 13, 23 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry, Gavrilovich, and Dunsmore in view of U.S. Patent No. 5,097,469 of Douglas (hereinafter "Douglas").

Claims 5, 6, 16, 17, 24 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry, Gavrilovich, and Dunsmore in view of U.S. Patent No. 7,130,276 of Chen et al. (hereinafter "Chen").

Claims 7 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry, Gavrilovich, Dunsmore, and Chen in view of U.S. Patent No. 6,631,130 of Roy et al. (hereinafter "Roy").

Claims 8, 18, 26 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry, Gavrilovich, and Dunsmore in view of U.S. Patent No. 6,717,953 of Heuer (hereinafter "Heuer").

Claims 9 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry, Gavrilovich, Dunsmore, and Heuer in view of U.S. Patent No. 6,778, 541 of Houston et al. (hereinafter "Houston").

Claims 10 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry, Gavrilovich, Dunsmore, and Heuer in view of U.S. Patent No. 6,064,674 of Doidge et al. (hereinafter "Doidge").

Claims 11, 21, 29 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry, Gavrilovich, and Dunsmore in view of U.S. Patent No. 6,747,982 of Nakatsugawa (hereinafter "Nakatsugawa").

Claims 27, 28, 34 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry, Gavrilovich, Dunsmore, and Heuer in view of U.S. Patent Publication No. 2004/0136389 of Hunneyball (hereinafter "Hunneyball").

However, Applicants must respectfully submit that each rejection is based upon a defective combination with the primary references, shown above to fail to disclose or suggest at least one feature of the invention as recited in Applicants' independent claims. None of these references is cited as curing the deficiencies of Parry, Gavrilovich, and Dunsmore with respect to the independent claims, as set forth above. As Applicants have understood the references, indeed, none of the references cures the deficiencies of the primary references. Whether alone or in combination, the cited references fail to disclose or suggest at least one feature of Applicants' independent claims, as set forth above, and so fail to render obvious the invention as recited in those independent claims. Because these dependent claims depend from the independent claims discussed above, these dependent claims are not rendered obvious by the cited references for at least the same reasons as the independent claims.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections are overcome, and respectfully requests that the rejections be withdrawn. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: September 22, 2008

/Vincent H. Anderson/
Vincent H. Anderson
Reg. No. 54,962
Attorney for Applicant

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(503) 439-8778

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: September 22, 2008

/Katherine Jennings/
Katherine Jennings